



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,710	01/19/2005	Johan Agnes Emile Wouters	BE 020016	2295
24737	7590	12/10/2007		
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER KARIMI, PEGEMAN	
			ART UNIT	PAPER NUMBER
			2629	
			MAIL DATE	DELIVERY MODE
			12/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/521,710

Applicant(s)

WOUTERS, JOHAN AGNES
EMILE

Examiner

Pegeman Karimi

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/19/2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/23/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Drawings

3. The drawings of (Figs. 1, 3A, 3B, and 4) are objected to because The figures are not clear. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 1-6 are objected to because of the following informalities: the use of parentheses in claims 1 and 4 are improper since parentheses are used only for the reference characters; see MPEP 608.01(M). Appropriate correction is required.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 5 and 6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 5 and 6 recite "a computer program"; however, claim 5 neither include any computer hardware component(s) nor positively recite that the cited software programs are stored on computer medium that can be read by a machine. As such claims 5 and 6 are directed toward software per se, which is non-functional descriptive material and non-statutory. Claim 6 does not mention that the computer program can be read by a machine.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-3, 5 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Okamoto (U.S. Pub. No. 2002/0047834).

As to claim 1, Okamoto discloses a portable stylus information input processing apparatus (14) with a removable stylus (1) and a stylus housing (13), a user interface (9), said apparatus comprising a computer program (active-mode program) for running a user-interactive application on ([0086], lines 2-8) or via the apparatus, or a means for inputting such a computer program, interaction taking place by contact between the stylus and the user interface (by pulling the pen the photo sensor detects the data signal and powers the display on), characterized in that the apparatus comprises:

means (8) for generating a release signal (reel-in signal) generated by a program run (sleep-mode program) on or via the apparatus to release the stylus (the pen is released from the user and stored in the housing 13), the stylus housing comprising a receiver (4) for receiving said release signal ([0063], line 3) and a release mechanism (3) for releasing the stylus in response to the release signal ([0063], line 4).

As to claim 2, Okamoto teaches the apparatus (14) comprises a program for running an application on (active-mode program) or via the apparatus, wherein in operation occurrence of an event (pressing the virtual button 12) triggers the release of the stylus (by pressing the button 12 the apparatus goes into a sleep-mode and stylus is released from the user and stored in the housing), ([0083], lines 1-4; and [0084], lines 1-2).

As to claim 3, Okamoto teaches the event triggering release of the stylus ([0084], lines 1-2) is formed by a transition between a first level (active-mode level) and a second level (sleep-mode level) of an application (the release is formed when the apparatus goes from an active mode to a sleep-mode).

As to claim 5, Okamoto teaches a computer program (sleep-mode program) comprising program code means (selecting virtual button 12, signal 8s is fed into CPU 8, power to display, lighting, and panel is stopped, then the apparatus goes into sleep-mode and then reeling up cord 6) for use in a device (14), ([0083], lines 1-4; and [0084], lines 1-2).

As to claim 6, this claim differs from claim 5 only in that the limitation "program means stored on a computer medium" is additionally recited. Okamoto teaches a program medium (CPU 8), which controls the apparatus ([0038], lines 7-10) and changing the apparatus from sleep-mode program to active-mode program or the other way around ([0086], lines 3-5; [0083], lines 1-4).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto in view of Shintani (U.S. Pub. No. 2001/0011953).

As to claim 4, Okamoto teaches touching said button (virtual button 12) generates a release signal ([0083], lines 1-4; [0084], lines 1-2). Okamoto does not mention a program code for displaying a soft button. Shintani teaches a program comprising a program code for displaying a soft button (e.g. Soft keys F1-F12) on the User Interface (14), ([0027], lines 1-4). Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to have added the program comprising a program code for displaying a soft button of Shintani to the apparatus of Okamoto because in response to the selection of the same soft keys, microprocessor executes the new program codes to generate different control signals ([0027], lines 5-7).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kwok (U.S. Patent No. 7,053,883) teaches an electronic device has an interactive screen display which is interactive with a stylus.

Yap (U.S. Pub. No. 2002/0190823) teaches a frictionless pen ejector mechanism.


Inquires

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pegeman Karimi whose telephone number is (571) 270-1712 and Fax number is (571) 270-2712. The examiner can normally be reached on Monday-Thursday 8:00am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen can be reached on (571) 272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Pegeman Karimi
November 30, 2007


CHANH D. NGUYEN
SUPERVISORY PATENT EXAMINER